

CHAPTER 635
MOTORCYCLE RIDER EDUCATION (MRE)

761—635.1(321) Definitions.

"Approved course" means the motorcycle rider education course approved by the department.

"MRE" means motorcycle rider education.

"Sponsor" means an entity that delivers the approved course.

761—635.2(321) Approved course in motorcycle rider education.

635.2(1) Any entity providing motorcycle rider education to persons under the age of 18 for purposes of early licensing or seeking reimbursement under Iowa Code subsection 321.189(9) for providing motorcycle rider education to persons aged 18 and older must teach the motorcycle rider education course approved by the department.

635.2(2) A sponsor must receive approval from the department prior to the beginning of the first class offered and annually thereafter. Private or commercial sponsors shall also be licensed by the department under rule 761—600.12(321).

635.2(3) The approved course uses a nationally recognized, research-based curriculum that consists of a minimum of seven clock hours of classroom instruction and eight clock hours of on-cycle instruction in an off-street area. Only persons successfully completing all elements of both phases of this curriculum shall be issued an Iowa certificate of completion for motorcycle rider education. Issuance of an Iowa certificate of completion to persons who do not successfully complete this curriculum is cause for revocation of the instructor's license and denial of reimbursement to the sponsor for each student involved.

635.2(4) Prior to the beginning of on-cycle instruction, a student enrolled in the approved course must be at least 14 years of age, possess a valid motor vehicle license as defined in Iowa Code section 321.1, be able to touch the ground with the balls of both feet while sitting astride the training motorcycle, and complete the motorcycle safety course waiver form, including the signature of a parent or legal guardian if the student is under the age of 18.

635.2(5) The scheduled time for instruction—classroom, on-cycle, or a combination of both—shall not exceed eight hours in any one calendar day. During on-cycle instruction, a student shall wear a U.S. DOT-approved helmet, an eye-protective device, and protective clothing, including gloves, a long-sleeved shirt or jacket, long pants, and shoes or boots that cover the feet and ankles.

635.2(6) The maximum student-instructor ratio for classroom instruction shall be 24 to 1. No more than 12 students may receive on-cycle instruction at one time on a single full-size range. The maximum student-instructor ratio for on-cycle instruction shall be 8 to 1 when using a single instructor and 6 to 1 when using two instructors.

635.2(7) A driving range used for on-cycle instruction must be paved, free of hazards to motorcycle travel, and have an unobstructed, paved runoff of at least 20 feet in all directions.

a. On a driving range that is at least 185 feet by 60 feet, excluding runoff, up to seven students may receive instruction at one time.

b. On a full-size driving range that is at least 220 feet by 120 feet, excluding runoff, up to 12 students may receive instruction at one time.

635.2(8) The sponsor shall provide one fully operational, street-legal motorcycle for each student engaged in on-cycle instruction. Each motorcycle must have an engine displacement of no greater than 350 cubic centimeters.

635.2(9) The driving test for a Class M motor vehicle license may be waived under 761—subrule 604.31(2) provided the applicant has successfully completed the approved course.

761—635.3(321) Instructors.

635.3(1) License. An instructor of the approved course must be licensed by the department. However, an individual who meets the qualifications for a license except for paragraph 635.3(2)“d” or who is suspended under paragraph 635.3(3)“c” may teach two classes of the approved course under the guidance of an experienced, licensed instructor. To obtain and retain an MRE instructor’s license:

a. An individual trained as an MRE instructor on or after July 1, 1998, must meet all of the provisions listed in subrule 635.3(2).

b. An individual trained as an MRE instructor before July 1, 1998, who has taught for an Iowa sponsor after January 1, 1996, must meet the provisions of subrule 635.3(2), paragraphs “a” to “c.” Paragraphs “e” and “f” of that subrule are waived until June 30, 1998; thereafter, they must be met. Paragraphs “d” and “g” of that subrule are waived.

635.3(2) Licensing provisions. To obtain and retain an MRE instructor’s license, an individual must:

a. Possess a valid Class M or equivalent motor vehicle license which is valid for a two-wheel motorcycle.

b. Successfully complete a nationally recognized, research-based instructor preparation course approved by the department.

c. Possess a current instructor certification from a nationally recognized motorcycle safety organization approved by the department.

d. Before a license is granted, teach two classes of the approved course under the guidance of an experienced, licensed instructor.

e. After a license is granted, teach at least one class each calendar year.

f. After a license is granted, participate in at least one state-sponsored or state-approved instructor refresher or update each calendar year.

g. Possess a high school diploma or equivalent.

635.3(3) License suspension.

a. The department shall suspend the MRE license of an MRE instructor whose driving privilege is suspended, revoked, canceled, denied or barred. The suspension shall remain in effect until the individual’s driving privilege is restored.

b. The department shall suspend the MRE license of an MRE instructor who fails to maintain a current instructor certification from a nationally recognized motorcycle safety organization approved by the department. The suspension shall remain in effect until the certification is current.

c. Each January, the department shall review each MRE instructor’s teaching activity and update/refresher participation. The department shall suspend the MRE license of an MRE instructor who fails to meet these licensing provisions. The suspension shall remain in effect until the individual has taught two classes of the approved course under the guidance of an experienced, licensed instructor.

761—635.4(321) Responsibilities of sponsors.**635.4(1)** Sponsors shall:

- a. Comply with all teaching and instructor provisions of the approved course.
- b. Use only instructors licensed by the department to teach the approved course. However, an individual who meets the qualifications for a license except for paragraph 635.3(2) “d” or who is suspended under paragraph 635.3(3) “c” may teach two classes of the approved course under the guidance of an experienced, licensed instructor.
- c. Maintain liability insurance in an amount of not less than \$1 million, combined single limit, with an aggregate limit of not less than \$2 million, and file a certificate of this insurance with the department. The certificate shall name the department and its officers, agents, representatives and employees as additional insureds with respect to all work, deliveries or services performed for them by the named insured, and shall specify that the department of transportation, office of driver services, shall be given at least 30 days’ prior notice of any material change in or cancellation of the insurance.

A sponsor who is a state agency or public educational institution shall provide written verification of self-insurance to the department.

- d. Maintain complete instructional accident report files on forms provided by the department.
- e. Maintain a record of costs incurred in providing the approved course and furnish this information to the department on forms provided by the department.
- f. Accommodate the department’s on-site instructor and class conduct/content review process.
- g. Involve a program administrator in an annual department-sponsored, in-service seminar.
- h. Participate in the department’s centralized motorcycle rider education master schedule.
- i. Provide and maintain adequate instructional facilities and equipment to accommodate all components—lecture, audio-visual, and on-cycle—of the approved course.

635.4(2) The department shall deny approval to a sponsor applying for annual approval from the department under subrule 635.2(2) if the sponsor fails to comply with all of the provisions of subrule 635.4(1).

761—635.5(321) Use of motorcycle rider education fund. The motorcycle rider education fund may be used for the following purposes:

635.5(1) Course development. New or current sponsors may apply to the department for funds to establish delivery of the approved course at an unserved site. Current sponsors may apply for funds to expand delivery at an existing site.

- a. Expenditures eligible for funding are limited to:
 - (1) Acquisition of necessary classroom furnishings and audio-visual systems if used exclusively to deliver the approved course.
 - (2) Required curriculum materials including necessary audio and visual components.
 - (3) Range development and maintenance excluding land acquisition, surfacing and resurfacing.
 - (4) Training motorcycles and motorcycle maintenance equipment if the equipment is to be used exclusively for the upkeep of the motorcycles.
 - (5) On-cycle safety equipment limited to helmets, eye-protective devices and gloves.

b. Application for funds shall be on forms provided by the department. Departmental approval shall be based on the geographical area and number of students to be served and the availability of moneys in the motorcycle rider education fund.

c. Payment to the sponsor for course development expenditures shall be on a cost-reimbursement basis.

635.5(2) *Motorcycle replacement.* Sponsors may apply to the department for up to 50 percent matching funds to replace training motorcycles no longer fit for service. Application for funds shall be on forms provided by the department. Departmental approval shall be based on the documented unavailability of loaner motorcycles in the geographical area, the number of students to be served, and the availability of moneys in the motorcycle rider education fund. Payment to a sponsor for the purchase of replacement motorcycles shall be on a cost-reimbursement basis.

635.5(3) *Instructor preparation.* The department shall sponsor beginning instructor preparation courses.

a. An instructor preparation course is open to any individual who:

(1) Possesses a valid Class M or equivalent motor vehicle license which is valid for a two-wheel motorcycle.

(2) Submits documentation showing successful completion of the approved MRE course.

(3) Submits verification from an approved sponsor of employment as an instructor of the approved course to be offered within the next 12 months.

b. Upon proof of successful completion of the instruction preparation course, an individual may be reimbursed for course tuition.

c. Applications for enrollment and claims for tuition reimbursement shall be made on forms provided by the department.

635.5(4) *Instructor refreshers and updates.* The department shall sponsor and fund instructor refreshers or updates. Instructor refreshers or updates shall be open to all state-licensed MRE instructors and chief instructors. Instructor participation in department-approved professional development seminars sponsored by other groups may be funded based on the availability of moneys in the motorcycle rider education fund.

635.5(5) *Chief instructor preparation.* An experienced, state-licensed instructor accepted for enrollment in a nationally recognized chief instructor preparation course who agrees to be a chief instructor in a department-sponsored instructor preparation course within 12 months following successful completion of the chief instructor preparation course may apply to the department for funding assistance on forms provided by the department.

a. Funding assistance is limited to course tuition, travel, and subsistence (meals and lodging).

b. Upon approval of the application, the department shall pay for course tuition and travel to the training site.

c. Upon receipt by the department of evidence of successful completion accompanied by documentation of subsistence expenses incurred, the department shall reimburse the instructor for food and lodging based on the in-state reimbursement limits established for state employees by the department of revenue and finance.

d. If the instructor fails to attend the training, the instructor must repay the department both the course tuition and the travel purchased.

e. If the instructor fails to successfully complete the course, the instructor must repay the department one-half the course tuition and one-half the travel purchased. Meal and lodging expenses shall not be reimbursed.

635.5(6) *Reimbursement of per pupil costs.* The department shall reimburse a sponsor for each student who completes its approved course. Reimbursement shall be based on the sponsor's per pupil cost and the availability of moneys in the motorcycle rider education fund.

a. Reimbursement shall be paid twice each calendar year, once for training provided from January to June and once for training provided from July to December.

b. A sponsor's per pupil cost is based on the sum of the sponsor's eligible expenses in providing the approved course, minus the total tuition received for the course, divided by the number of students who completed the course.

c. Eligible expenses are limited to (1) instructor and coordinator salaries and travel, (2) consumable instructional materials and supplies including helmets, eye-protective devices and gloves, (3) range maintenance, (4) motorcycle operation, maintenance and storage costs, (5) documented program liability insurance expenditures, and (6) program promotion costs.

d. Claims for reimbursement shall include a report of eligible expenses incurred and tuition received, a summary of courses taught with site, date, and instructor information, and a report for each class taught providing name, age, social security number and gender of each student. Claims for reimbursement shall be made on forms provided by the department.

e. Failure to provide complete cost, course, instructor and student information, failure to meet instructor certification and licensure requirements, or failure to meet prescribed instructor-student ratios shall result in the forfeiture of reimbursement for those courses and students involved.

These rules are intended to implement Iowa Code subsections 321.189(7) and 321.189(9).

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CHAPTERS 636 to 639

Reserved